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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,959	01/18/2001	William Leslie Brown	CX099004	7002

7590 06/09/2004

Motorola, Inc.  
Austin Intellectual Property Law Section  
7700 West Parmer Lane  
MD: TX32/PL02  
Austin, TX 78729

EXAMINER
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CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/764,959

Applicant(s)

BROWN ET AL.

Examiner

Salvatore Cangialosi

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/18/01.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-16 are rejected under 35 U.S.C. § 103 as being unpatentable over Hsu in view of Kim.

Regarding claim 1, Hsu (See Col. 2, lines 35-45 and Fig. 1) disclose a means for " communication data system wherein the circuit includes multiple digital signal processors and a controller for dynamically allocating resources of the processors based on required amounts of digital signal processing for different services" substantially as claimed. It is noted that that control signals are based on any communication parameter. The differences between the above and the claimed invention are the specific complexity controller. Kim (See Figs. 1,2, and 13 Col. 4, line 20-40, and col. 7,

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lines 20-30) shows explicit control of obviously complex communication parameters. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement Hsu because they are well known and conventional functional equivalents of complex communication parameters in the prior art. Regarding interface limitations of claim 2, Hsu (See Fig. 1) show the communication structure which is the functional equivalent of the claim. Regarding determining limitations of claim 3, Kim (See Figs. 1, 2, and 13) show the communication parameters which is the functional equivalents of the claim. Regarding quality limitations of claim 4, Kim (See Figs. 1, 2, and 13 and col. 7, lines 20-30) show the QOS parameters which is the functional equivalents of the claim. Regarding quality limitations of claim 5, Kim (See Figs. 1, 2, and 13 and col. 7, lines 20-30) show the QOS parameters which is the functional equivalents of the claim. Regarding processor limitations of claim 6, Hsu (See Fig. 1) show the communication structure which is the functional equivalent of the claim. Regarding claim 7, Hsu (See Col. 2, lines 35-45 and Fig. 1) disclose a method for "communication data system wherein the circuit includes multiple digital signal processors and a controller for dynamically allocating resources of the processors based on required amounts of digital signal processing for different services" substantially as claimed. It is noted that that control signals are based on any

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communication parameter. The differences between the above and the claimed invention are the specific data transfer controller. Kim (See Figs. 1,2, and 13 Col. 4, line 20-40, and col. 7, lines 20-30) shows explicit control of data transfer communication parameters. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement Hsu because they are well known and conventional functional equivalents of data transfer communication parameters in the prior art. Regarding determining limitations of claim 8, Kim (See Figs. 1, 2, and 13) show the communication parameters which is the functional equivalents of the claim. Regarding quality limitations of claim 9, Kim (See Figs. 1, 2, and 13 and col. 7, lines 20-30) show the QOS parameters which is the functional equivalents of the claim. Regarding quality limitations of claim 10, Kim (See Figs. 1, 2, and 13 and col. 7, lines 20-30) show the QOS parameters which is the functional equivalents of the claim. Regarding processor limitations of claim 11, Hsu (See Fig. 1) show the communication structure which is the functional equivalent of the claim. Regarding determination limitations of claim 12, Hsu (See Fig. 1) show the communication structure which is the functional equivalent of the claim. Regarding claim 13, Hsu (See Col. 2, lines 35-45 and Fig. 1) disclose a method for " communication data system wherein the circuit includes multiple digital signal processors and a controller for dynamically allocating resources of the

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processors based on required amounts of digital signal processing for different services" substantially as claimed. It is noted that that control signals are based on any communication parameter. The differences between the above and the claimed invention are the specific data transfer controller. Kim (See Figs. 1,2, and 13 Col. 4, line 20-40, and col. 7, lines 20-30) shows explicit control of data transfer communication parameters. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement Hsu because they are well known and conventional functional equivalents of data transfer communication parameters in the prior art. Regarding quality limitations of claim 14, Kim (See Figs. 1, 2, and 13 and col. 7, lines 20-30) show the QOS parameters which is the functional equivalents of the claim. Regarding determination limitations of claim 15, Hsu (See Fig. 1) show the communication structure which is the functional equivalent of the claim. Regarding processor limitations of claim 16, Hsu (See Fig. 1) show the communication structure which is the functional equivalent of the claim.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

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**Any response to this action should be mailed to:**

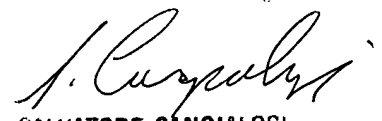
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**or faxed to (703)872-9306**

Hand delivered responses should be brought to Crystal Park  
II, 2121 Crystal Drive, Arlington, Virginia, Sixth  
Floor(Receptionist).

Any inquiry of a general nature or relating to the status of  
this application or proceeding should be directed to the  
Technology Center 2600 Customer Service Office whose telephone  
number is (703) 306-0377.

  
SALVATORE CANGIALOSI  
PRIMARY EXAMINER  
ART UNIT 222